

**WAYS AND MEANS**  
**COMMITTEE**  
**of the**  
**SUFFOLK COUNTY LEGISLATURE**  
**Minutes**

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, September 22, 2005.

**MEMBERS PRESENT:**

Legislator Peter O'Leary • Chairman  
Legislator John Kennedy • Vice•Chairman  
Legislator Daniel Losquadro  
Legislator Ricardo Montano  
Legislator Elie Mystal

**ALSO IN ATTENDANCE:**

Mea Knapp • Counsel to the Legislature  
Gail Vizzini • Director, Budget Review Office  
Sandy Sullivan • Clerk's Office  
Ben Zwirn • County Executive's Office  
Bill Faulk • Aide to Presiding Officer  
Warren Greene • Aide to Legislator Alden  
Ed Hogan • Aide to Legislator Nowick

Frank Tassone • Aide to Majority Leader O'Leary  
Pat Zielenski • Real Estate Division  
Jacqueline Caputi • County Attorney  
Maria Ammirati • Aide to Chairman O'Leary  
John Woods • VFCW 1500  
Ernesto Mattace • Local 338  
Julio Hernansez • Latino American Council  
Basia Braddish • County Attorney's Office  
Kris Chayes • Civil Service  
Charles Bartha • Commissioner • DPW  
Jeff Tempera • Civil Service  
All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano • Court Stenographer

**(\* THE MEETING WAS CALLED TO ORDER AT 9:42 A.M.\*)**

**CHAIRMAN O'LEARY:**

If you will all rise to salute the Flag, our Pledge of Allegiance led by Legislator Kennedy.

***SALUTATION***

Good morning, all. We have some cards made out for the public portion of the Ways & Means Committee meeting. The first card I have •• I need my glasses. Mr. John Woods. You have three minutes, sir. When you come up state your name. If you would, cite the resolution that you want to speak on, if any, and the clock starts now or when you state your name.

**MR. WOODS:**

Yes. My name is John Woods, W•O•O•D•S. I'm here to speak on 1903. Good morning, Chairman O'Leary and the rest of the committee. My name

is John Woods, and I'm the Political Director of United Food and Commercial Workers Local 1500. Local 1500 represents over 22,000 retail food workers throughout New York State, over 6,000 in Suffolk County.

I'm here this morning to speak in favor of intro 1903. I would first like to thank Legislators Bill Lindsay and Pete O'Leary as well as the eight other cosponsors of this historic legislation. This legislation is historic because it will help over 12,000 of Suffolk County's lowest paid workers have access to company provided health care. In doing this it also sends a clear message to multi-billion dollar corporations that we will no longer enrich their corporate coiffeurs on the backs of Suffolk County taxpayers. And when this legislation is enacted it will save the County over 25 million in Medicare costs.

It will also improve our health care system. In addition to these workers receiving Medicare, many have no insurance at all. When these workers became sick •• become sick, they seek our emergency rooms. This does nothing but divert resources from our hospitals for genuine emergencies.

In closing, I would like to say innovative legislation is nothing new to Suffolk County, from outlawing slavery in the 1800's to being one of the first counties to support the new deal under FDR. We led the way in terms of a living wage. When that legislation was in conception stages critics told us it would never happen. Today that legislation is a model across the country. The Suffolk Fair Share Act will be exactly the same type of legislation. Is this legislation perfect? Certainly not. Will it face legal challenges? More than likely.

I would ask the Legislators to continue the good fight and move this legislation out of committee and on to the calendar and then, of course, to pass it. All too often constituents come before you to complain. I'm here to thank each and every one of the supporters of this legislation and commend you for finally saying enough is enough. Thank you for your time.

**CHAIRMAN O'LEARY:**

Thank you, Mr. Woods. Darlene Langhorne.

**MS. LANGHORNE:**

Good morning.

**CHAIRMAN O'LEARY:**

Good morning. Please state your name for the record and the issue that you come before us.

**MS. LANGHORNE:**

My name is Darlene Langhorne. I'm at 10 Middle Island Avenue in Medford. I work at the County Center in Riverhead. I'm here to discuss the license agreement that the County has issued to the title examiners.

Under this license agreement we are forced to •• you have forced an increase to our operations as far as the title examiners in Suffolk County. I would like you to understand that the title examiners are not big business and we are not the insurer. We are the fieldworkers, researchers. The title companies, the insurers, receive an average of two to 3,000 per title in premiums, more on million dollar deals. The County of Suffolk also receives a nice cut in dollars per year in recording fees.

We as examiners are not getting the big money. The average rate for the examiner per title range from \$50 for refinancing to 85 to 125 per 40 year search. We are doing the work for the least amount in this operation. Without the searching and examining, home owners do not close on their homes and it all starts with us.

As you may know, Suffolk County is the oldest county, first settled in 1640, and also the most difficult to examine. The rate increase would slow the industry down to a snail's pace. Economic problems would start because we would not be able to get the closings done in time.

Many of us have looked at this lease agreement and are being forced to close our operations because we will not be able to afford the astronomical rent or fees that this lease has imposed on us. I myself am being forced to close down operations. My clients are at a loss because I have been in this business servicing them for 30 plus years. And I feel that many of my

colleagues who have been there even longer than I, and even one in a wheelchair who has been operating because of health reasons, will have to close shop and not be able to function.

**CHAIRMAN O'LEARY:**

Thank you.

**LEG. KENNEDY:**

Mr. Chair, if I can just for a moment talk with ••

**CHAIRMAN O'LEARY:**

The Chair recognizes Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. First of all, thank you for coming down to go ahead and make us aware of this issue today. Prior to this point I know I was unaware of what, in fact, was contemplated as far as the magnitude of the increase, I guess. You spoke briefly to it. Can you tell us a little bit more about •• in other words, what your current license fee or rent structure is and what you have been presented with as the increase?

**MS. LANGHORNE:**

Yes, Mr. Kennedy. Right now our cubicle fee, and this is based on the resolution that passed back in '97, is for a single cubicle. The cubicle lease was roughly \$2,200 and every year we had a 2 1/2% increase. This license agreement came out •• in which we all were agreeable to pay.

This license agreement came out and tripled the amount to \$7,200 with an increase of 2.5 per year. That's triple. That's a 300% increase, increase after paying a 2.5.

**LEG. KENNEDY:**

Did you have any opportunity, I guess, to •• when did you become aware of the size of this increase?

**MS. LANGHORNE:**

Friday when our leases were handed to us. Last Friday. I don't recall the

date of last Friday. We went to pick up this registered mail. There's a committee. I'm only here as an examiner because we were thrown with this and we have been trying to resolve some of this. But there has been a committee that has been standing and working with the Legislature and members of the Legislature in this matter that could probably give you more details as to how this all developed.

**CHAIRMAN O'LEARY:**

To what committee are you referring to, Ma'am?

**MS. LANGHORNE:**

This is our own elected committee of title examiners ••

**CHAIRMAN O'LEARY:**

Oh, okay.

**MS. LANGHORNE:**

Of Mason Haas and John and ••

**CHAIRMAN O'LEARY:**

I ••

**LEG. KENNEDY:**

Just to correct the record, though, Mr. Chair, for a moment, at least from my perspective. I know that there is a working committee. Obviously everybody knows that in a former life I was out in the County Clerk's Office, but as to this matter with this specific license, I don't think that there's been any involvement directly with the Legislature. My colleagues that I have discussed with have not been involved, so we are finding out the magnitude and ••

**MS. LANGHORNE:**

Correct. I believe so.

**LEG. KENNEDY:**

•• substance of this for the first time now. I know the administration has

been involved, but part of what's going on at this point now is, is we're just getting this information fresh to us.

**MS. LANGHORNE:**

Possibly the legislative body had not known but maybe the Executive part may have known.

**CHAIRMAN O'LEARY:**

I take note of the fact that I have received three more cards on this issue, an issue I point out is not on our agenda today which is •• I have no problem with that. This is the public portion and anybody can come forward and speak on an issue that is of concern to them. But for the sake of time constraints that we have here in the committee meeting, you know, you are limited to three minutes and of course the committee can ask you questions.

What I would like to do is move on to the other cards that have been filled out with respect to this issue. I would ask my colleagues to hold off questions until we hear the speakers on this issue or unless, of course, the three individuals who have filled out cards, it is their absolute right to come up and speak on the issue unless they want to bring forward one representative of the three of you to speak on it and this way we can pose questions to you. Yes, do you want to do that?

**MR. HAAS:**

Yes.

**CHAIRMAN O'LEARY:**

Okay, fine. Thank you very much.

**MS. LANGHORNE:**

Thank you.

**CHAIRMAN O'LEARY:**

Sir, if you would come up, identify yourself and we will give you three minutes and we'll ask questions regarding this matter. You are here to speak on this same situation, the title examiner lease agreements that were recently brought to your attention from the County Executive's Office? Is

that the leasing agent?

**MR. HAAS:**

Yes.

**CHAIRMAN O'LEARY:**

Okay.

**MR. HAAS:**

My name is Mason Haas. I have been actively working with the County Exec's Office in trying to get a new agreement since the agreement expired in 2003. We have been working for the last six months with the County Exec's Office. Not only have we been working with them, so has the Land Title Association. They also had been working with them. I have some correspondence here that I would like to submit from the Land Title Association that they sent to the County Exec's Office regarding these issues that they are also not in support of the license agreement.

There have been several issues that came up since this has all been going on that affects the title industry and creates a hardship on the industry, the individual title examiners and the Suffolk County residents because of changes that they're implementing. They are going to •• there are 66 cubicles. These cubicles were created back in '97 •• actually some were created prior to '97 under Juliet \\_Concella\\_ administration. An additional 30 were created under Mr. Romaine's administration back in '97 when the other resolution was done then.

These cubicles, the original idea behind it was that they were a contact point between the County Clerk's Office and the title industry so that everything kept moving smoothly, as it states in the resolution, it facilitates a smooth operation and it's beneficial to the businesses and the residents of Suffolk County.

These cubicles were equipped with computers. The County Exec turned around during these negotiations, we were talking, they were going to disconnect the computers in the cubicle rooms. It wasn't until the Land Title Association, New York State Land Title Association, got involved and turned



around and stepped in and sent them a letter that they backed off. They were going to take out 66 computers and replace them with 30 computers and public access.

The other issues were that there are printers also in these cubicles and the idea behind the printers in the cubicles, it alleviates the cost to the County of trying to maintain enough equipment in there to handle the work flow of the title industry. The title examiners individually went out and bought these printers, put them in there and they have been actively in there all these years. I have been doing this for 20 years now out there.

Mr. Kennedy is aware of a lot of this. He knows the work flow. He always knows of the backlog that it creates when we are forced into the public access area trying to keep up with this work flow for the residents of Suffolk County.

I have had some conversations with Mr. Kennedy this past week. Apparently there seems to be some misconception that the industry is in favor of the license agreement. I have brought here more than half of the license agreements and the other half are coming also. These people cannot afford to pay these fees that are in these license agreements. They are astronomical, a tripling of 300% when the resolutions have also called for a 2 1/2% increase and •• or CPI, whichever is better, all of a sudden.

We have been negotiating, we have sat down in good faith with the representatives from the County Exec's Office offering different ideas that the Land Title Association also was in favor of and then we get these license agreements with these figures tripling the rent and when we •• they sent out a representative. It turned out that the representative, you know, really should probably not have been talking because, you know, the reason for that was that, well, you are making money off the public records, you should be paying for that.

**CHAIRMAN O'LEARY:**

Okay. I'm going to interrupt you. I have allowed you, because you have agreed to be the spokesperson for the other two individuals who filled out cards, I let you go beyond the three minutes for that reason.

**MR. HAAS:**

I appreciate that.

**CHAIRMAN O'LEARY:**

But now what I would like to do is just to open up some questions from the committee if they have any. I have, in particular, the concern I have is about the tripling of the rent that was passed onward. Is this negotiated or was it arbitrary on the part of the County to increase these rents?

**MR. HAAS:**

It was not negotiated. This rent popped up on us at the time when Ms. Conway came out from DPW within the past month and at the last conversation we had with the County Exec's Office we were told this was not in concrete.

**CHAIRMAN O'LEARY:**

These agreements that you speak of, are they individual separate agreements per title examiner or it's one agreement that pertains to all?

**MR. HAAS:**

It's one agreement per cubicle.

**CHAIRMAN O'LEARY:**

Per cubicle. All right. And are the cubicles all the same size square footage as far as work area? There is no differential between one ••

**MR. HAAS:**

You have four that are larger. The rest are all 35 square feet.

**CHAIRMAN O'LEARY:**

All right. So if I understand you correctly, your main objection to this is the inordinate amount of increase in the rent. You are citing it is almost three times the current rate?

**MR. HAAS:**

That's correct.

**CHAIRMAN O'LEARY:**

All right. My understanding is that this matter, if it's a lease agreement, would eventually come before the body for approval. However, there is a •• I'm told from Counsel that there is a Legislator that has •• is addressing this issue by way of a resolution to move forward with it, to have the legislative body become a little bit more involved perhaps than they have been with respect to the increase. If it is three times, and that is what you are saying, it is three times the rent ••

**MR. HAAS:**

Yes.

**CHAIRMAN O'LEARY:**

I would like to hear at some point in time in the future the justification from the County with respect to that, number one. And number two, the agreements that you currently have expire when, and when will this new increase take effect?

**MR. HAAS:**

The agreements that were in place from the original resolution, 1997, expired in 2003. We haven't had one since then. We have been operating under the old, paying our rents to the County in bi•yearly payments, one in January and one in June, right along. This new agreement goes into effect September first according to that agreement.

**CHAIRMAN O'LEARY:**

September first of this year?

**MR. HAAS:**

Yes.

**CHAIRMAN O'LEARY:**

Oh. All right. So you have been without a contract since '03?

**MR. HAAS:**

That's correct.

**CHAIRMAN O'LEARY:**

During negotiations was there any indication to your representative or representatives that the increase in rent was with respect to the increase, the inflationary prices, the increase in square footage per, etcetera?

**MR. HAAS:**

No. We were always kind of kept in the dark. They always kept saying it was being thrown back because it came through too high. They threw it back to their Budget Office and the figure was just thrown out there at the final moment when they brought out the ••

**CHAIRMAN O'LEARY:**

All right. Well, it's been brought to our attention and it's been just brought to our attention, so •• just in the last couple of days Legislator Kennedy called me on this matter and I suggested he come down and explain your situation. So we are going to get involved with the process somewhat.

**MR. HAAS:**

We appreciate that.

**CHAIRMAN O'LEARY:**

Okay. Thank you very much. Mr. Bishop, you're being a little bit disruptive.

**LEG. BISHOP:**

Sorry.

**CHAIRMAN O'LEARY:**

Not that that's out of the ordinary for you.

**LEG. BISHOP:**

Already out of retirement.

**CHAIRMAN O'LEARY:**

And thank you for affording the opportunity of you being the spokesperson for the other three for the sake of saving time. I appreciate that.

**MR. HAAS:**

Thank you again.

**CHAIRMAN O'LEARY:**

Okay. Ernesto Mattace.

**MR. MATTACE:**

Good morning. My name is Ernesto Mattace, Vice President and Political Director for Local 338 RWDSU•UFCW. Chairman O'Leary and members of Ways and Means, I thank you for this opportunity to speak on behalf of 1903, Suffolk County Fair Share for Health Care Act.

This legislation developed by the failure to provide health insurance by big retailers and driving up the cost of Medicaid insurance and cost, straining our health care system and creating an unfair playing field for the employers who do provide health care. By the use of this legislation, it will establish a level playing field by requiring profitable companies to pay their own health costs, not pass them on to the taxpayers. What's happening across the country is no surprise to anyone and it's coming here as well. The cost and the drain on our taxpayers have become immense.

I would like to thank you for the time that you put into this. I would like to thank all the sponsors. Chairman O'Leary, I would like to thank you for your concern and your initiative and have a great day. Thank you.

**CHAIRMAN O'LEARY:**

Thank you, Ernie. As you know, during the public hearing there were some issues and concerns raised and it's my understanding that there have been some amendments made to this bill which we will be discussing when it comes up on the agenda.

**MR. MATTACE:**

Yes, there have been. I think it's amenable to all sides. We have worked it out that the industry as well as the unions and the individuals that are involved are both in agreement. I thank you.

**CHAIRMAN O'LEARY:**

Thank you, Ernie.

**MR. MATTACE:**

Thank you.

**CHAIRMAN O'LEARY:**

Any questions of Mr. Mattace? Okay. Next card is a Mr. Roger Clayman.

**MR. CLAYMAN:**

My name is Roger Clayman. I'm the Executive Director of Long Island Federation of Labor and I want to address myself to 1903. You have heard some statements on it and you are very well aware of it by now.

In effort to save time and not be repetitive, I just want to indicate to you that this is one of the most significant pieces of legislation that we feel that's been on our agenda in quite some time. It's an effort to address a problem that perhaps many of us felt would have been the federal government's responsibility, but that's just not realistically the way it's breaking out and the County has an opportunity to do something that will be good for the employees in a specific and growing industry and for the County itself.

So I want to thank all of you for the efforts that you have made to craft and reshape a bill that will be acceptable to everyone. We appreciate it and we think that this is one that will really solve a problem and be helpful to all of us. I want to thank you for your efforts.

**CHAIRMAN O'LEARY:**

Thank you, sir. Kris Chayes from the Civil Service Department. Did you want to come up and speak on an issue?

**MS. CHAYES:**

That was 1817 when that comes up.

**CHAIRMAN O'LEARY:**

Well, why don't you come up now and speak on it so then you won't have to come up when it's being discussed by the committee.

**MS. CHAYES:**

I'm Kris Chayes from the Civil Service Department. This regards Intro Resolution 1817 which was the proposal for an exam fee waiver. We are working on that with Legislator Bishop's office to make it workable if possible. We are in contact with the Department of Social Services to see if there's •• if they have agreed to do a letter for us on this that we can accept as part of our application process to grant a fee waiver. There are other things that we're working out now.

I did want to mention that in the resolution they did •• there are other counties that were noted as doing this at this point, granting fee waivers. We did check with those counties as you had asked, the committee asked a couple of weeks ago, and we did find in those cases, though, none of them were validating or verifying the information that they were getting from candidates, which is what our problem was with this resolution. We are working to try and clear those problems up.

We do want to note that the state would still charge •• would still require us to pay the exam •• half the exam fee to them on any waived exam fee amounts. That is something that even if there is a Local Law they do not recognize that. They would still take half the exam fee.

**CHAIRMAN O'LEARY:**

Thank you very much.

**LEG. BISHOP:**

May I ask a question? I'm not a committee member, but it's my bill.

**CHAIRMAN O'LEARY:**

Yes, I know it's your bill and I know that you are not a member of this committee, Legislator Bishop, but go right ahead. You have that absolute right to do so.

**LEG. BISHOP:**

I appreciate that. I just want to know are you supporting or opposing the bill at this time?

**MS. CHAYES:**

At this time we were working with you to see if we could get it to work.

**LEG. BISHOP:**

I thought we worked that out, that's why I'm asking the question.

**MS. CHAYES:**

And DSS said that they would do a letter for us. We are going to be meeting with DSS to see what they can give us to certify that these people are eligible for a waiver, and once we get that letter we shouldn't have a problem with it. As I said a couple of weeks ago, that's what we •• we did not •• we could not be the validating agency. As long as we're getting something from the State Unemployment and from DSS that we can accept, that's no problem for us.

**LEG. BISHOP:**

Right, okay.

**MS. CHAYES:**

I just wanted to mention that we would still, you know, have to pay the state for this just so it is clear.

**LEG. BISHOP:**

Right, and I'll speak to that issue.

**CHAIRMAN O'LEARY:**

Okay. But to date you have not received that from DSS.

**MS. CHAYES:**

No, we're working with them.

**CHAIRMAN O'LEARY:**

Working with them. Okay. Good.

**LEG. BISHOP:**

Because it was my information that the problem was solved, so I'm ••



**MS. CHAYES:**

This should •• the letter should solve the problem.

**LEG. BISHOP:**

All right.

**CHAIRMAN O'LEARY:**

Okay. Fine. Thank you. Okay. That's it for the public portion unless anyone else wants to come up and speak on issues. Commissioner Bartha. I didn't •• what do you want to speak on, Charlie, what issue?

**COMM. BARTHA:**

Thank you, Mr. Chairman. I would like to speak on IR 1959, the resolution that requires certain employees only use County vehicles while conducting County business.

**CHAIRMAN O'LEARY:**

I'm going to ask you to defer on that until such time as we have it on the agenda. There's a couple of individuals that wish to come up and speak on that issue. I know much to Legislator Losquadro's chagrin, he'll have to wait. If that's okay with you, Charlie.

**COMM. BARTHA:**

Certainly.

**CHAIRMAN O'LEARY:**

All right. Okay. That ends the public portion of the meeting. We do have a scheduled public hearing on **IR 1996, a Local Law to reconstitute the Hispanic Advisory Board**. Madam Clerk, are all the affidavits and publication in order?

**MS. SULLIVAN:**

Affidavits of publication are all in order.

**CHAIRMAN O'LEARY:**

With that, I will open up the public hearing on 1996. I have three cards of persons wishing to speak on this issue. Julio Hernandez.

Good morning, Mr. Hernandez.

**MR. HERNANDEZ:**

Good morning, Mr. Chairman, Legislators, committee members. My name is Julio Hernandez, founder of the Latino American Council Organization and the Salvadoran•American Alliance. And also a former member of the Hispanic Advisory Board, one of the nine members who decided to step down from the Board this past month of July.

I'm here to support resolution 1996 introduced by Legislator Montano, adopting Local Law to reconstitute the Suffolk County Advisory Board •• Hispanic Advisory Board. When I was appointed to the Board by the County Executive in 2004, I saw the opportunity to excel with what I know how to do best, that's a community leader. But after having success with the Suffolk County Police Officers, the Board was completely ignored and it was when most of the members decided to step down. It was something about five months ago, five months before stepping down from the Board when we elected the first •• for the first time officers on the Board.

This resolution needs to pass because there is a need for an accountability and to have a true community representation by the Board members. But most important, is to limit the term of office for its members. The Suffolk County Hispanic Advisory Board needs to have its own agenda and never be subjected to meet other people's interest. We ask community leaders and former members of the Hispanic Advisory Board have a commitment to continue working for what we believe is the best for our hard•working, responsible Latino community.

To their respect we are currently involved in organizing a not•for•profit organization and a political action committee organization, with the mission to create the socially just, intellectually vital and compassionate community for all and committed to preserve social justice while improving the quality of life for the marginalized groups. Thank you very much for this opportunity. Have a nice day.

**CHAIRMAN O'LEARY:**

Legislator Montano.

**LEG. MONTANO:**

Julio, I just wanted to thank you for coming forward. I know that you served on the Board and you have been very active in the community. I appreciate your support on this.

**MR. HERNANDEZ:**

Thank you, sir.

**CHAIRMAN O'LEARY:**

Thank you, Mr. Hernandez. Next speaker is Renee Ortiz.

**MS. ORTIZ:**

Good morning. Thank you for the opportunity to address the Legislature and the committee.

**CHAIRMAN O'LEARY:**

Good morning.

**MS. ORTIZ:**

I'm also here today in support of Introductory Resolution No. 1996, introduced by Legislator Ricardo Montano, a Local Law to reconstitute the Hispanic Advisory Board.

The Hispanic Advisory Board was originally established under County Executive Halpin. Its initial purpose was to have a body of representatives from the Hispanic community who could serve as advisors to the County Executive on pertinent issues and policies affecting the Hispanic community.

As the former Director of County Executive Levy's Office of Minority Affairs, I have a strong understanding of the need for representation and advisement on issues affecting the diverse communities of Suffolk County, particularly the Hispanic community which has now become the fastest growing population in Suffolk County. This Board needs to be reconstituted due to its dissolving by County Executive Levy. This bill not only reconstitutes the Board but also makes term appointments. This will ensure that the Board members cannot be discharged if they express their policy views.

While there is no expectation that the Board should be able to dictate or create policy, it should simply serve as an advisory board, simply advise on policies or issues pertinent to the Hispanic community. A board functioning as truly advisory in nature will only enhance relations and increase awareness between the Hispanic community of Suffolk County and our local County government. Thank you for the opportunity to address the Legislature.

**CHAIRMAN O'LEARY:**

Thank you. Nothing? Okay. The next card is Advendizo Benny Torres.

**MR. TORRES:**

Thank you. I was a former member of the Advisory Board who stayed on after the mass exodus. I was let go when the County Exec decided to reconstitute the Board. I'm also Chairman of the Southampton Democratic Committee and I'm not speaking on behalf of the committee.

To me, perception is reality. Most members of the previous board felt like they and their opinion did not matter, especially when we were told that we serve at the pleasure of the County Exec. I attended every session since I was installed on the board by the current County Executive Steve Levy. I understood we served as advisors, not policymakers. An unfortunate result of the prior board, there was no mandate or accountability for following the rules and regulations. Parts of the bylaws were consistently violated without oversight. The board should not be an extension of a PR department for any one person or group. It has to be independent in order to carry out their mission.

We did have a number of good Hispanics with many years of valuable service through the community who will no longer be able to properly advise Suffolk County. You can't replace their experience, knowledge and expertise with a new face and expect the same result.

I would like to tell you part of the previous mission statement of the Hispanic Advisory Board. A, to improve cultural understanding between the Hispanic community and Suffolk County government and Suffolk County residents. B, to promote Hispanic business development and to provide

needed information to Hispanic businesses to enable them to have equal access and opportunity to contracting and procurement in Suffolk County. C, to encourage civic participation at all levels by members of the Hispanic community.

Under the former board, as long as I have been on •• since I came on, we did not perform any part of this mission statement. There were no minutes, no agendas, no follow•ups for information that was requested.

For these reasons I urge that bill 1996, introduced by Legislator Montano, to reconstitute the board be passed and signed into legislation because it's the right thing to do. This bill allows for members to freely say what they should feel without repercussions or reprisals. This bill makes it mandatory for the County Exec, board members and the Legislature to perform several obligations. 1996 will make sure that the board performs as it should have, like an advisory board. Thank you.

**CHAIRMAN O'LEARY:**

Thank you, Mr. Torres. Any questions?

**LEG. MONTANO:**

I have maybe a couple of questions.

**CHAIRMAN O'LEARY:**

Legislator Montano.

**LEG. MONTANO:**

Benny, when you were on the board, in looking at Chapter 652, which was the •• I guess the existing legislation that constitutes the board, I'm noticing that there are •• really there's no indication of how many members were to serve on the advisory board. Do you know the answer, how many were to serve on the advisory board as it's constituted now?

**MR. TORRES:**

I think it was supposed to be 21.

**LEG. MONTANO:**

Okay. Where do you get that, though?

**MR. TORRES:**

I think it's part of the bylaws.

**LEG. MONTANO:**

Okay. So you had separate bylaws.

**MR. TORRES:**

Yeah. Yeah, we had separate bylaws but pretty much most of it was never adhered to, so.

**LEG. MONTANO:**

And how were you appointed? You were appointed by?

**MR. TORRES:**

I was appointed by the County Executive Steve Levy.

**LEG. MONTANO:**

How long did you serve on the board before you were asked to leave?

**MR. TORRES:**

Approximately eight months, yeah. Unfortunately, I was one of the people who did remain on the board with the sole purpose of trying to work with the County Exec and trying to •• at least I hoped to advise on certain issues regarding the Hispanic community.

**LEG. O'LEARY:**

When you were asked to leave, was there a reason cited as to why you were asked to leave?

**MR. TORRES:**

Other than •• well, I found it ironic for the reason I was asked to leave because it was cited that it was attendance, but I had perfect attendance on the board ever since I was appointed. So •• and the remaining members, I think five out of the seven remaining members also had good attendance. The majority of them went, so. There was a question on a couple but they

had other issues in terms of sickness, so really the remaining people who stood after the mass exodus, this wasn't the problem at all.

**CHAIRMAN O'LEARY:**

My apologies to Legislator Montano, but the prerogative of the Chair, I just thought I would ask that question. You still have the floor. I'm sorry. Go ahead.

**LEG. MONTANO:**

Actually, I'm not going to belabor the issue here. I want to thank you for your support. You read the bill. You know that this bill provides that in addition to appointments by the County Executive •• and, by the way, the appointment shall be a term appointment, which means that once you are on the board you get to, you know, serve for a certain period of time without fear of •• without being asked to leave for any reason that may conflict with policy. You understand that.

The other issue is for my colleagues here that any legislative district that has more than 5% Hispanic population would •• any Legislator would then get to appoint a member to the board. And the reason that 5% is there is that, you know, in talking to Counsel, 5% is a threshold that the Federal Voting Rights Act uses when it deals with covered counties and also I believe that's the criteria threshold for the Board of Elections in terms of bilingual elections and things of that nature. So that's what this bill says. You understand that and you support the bill in its context?

**MR. TORRES:**

Absolutely. I think it's an excellent bill and it really will address the major problems that we did have with the previous board in terms of, you know, serving at the pleasure of the County Executive and, you know, because that was stated to us a number of different occasions. And not only that, the mandatory annual report as well. So, it puts a little teeth into it.

**LEG. MONTANO:**

And there's also one provision that no County employee shall serve on the board.



**MR. TORRES:**

That is correct and I totally agree with that.

**LEG. MONTANO:**

Thank you.

**CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Just two questions, one for the speaker and one for the sponsor. During the time that you were there with the Advisory Board, who did you wind up interfacing with if and when you did with the administration? Was there a particular individual when the board wanted to communicate or they had sought direction or sought input or wanted to ••

**MR. TORRES:**

The only person was •• well, two people actually. The Chairman, Alex \\_Gutierrez\\_ and one of the staffers, Grace \\_Anedes\\_.

**LEG. KENNEDY:**

And how would you characterize it? I mean, was there a back and forth dialogue? Was there continuity between ••

**MR. TORRES:**

No, there wasn't a back and forth dialogue. It was very adversarial and if you can imagine, there were no minutes since •• at least from what I understand ever since Renee Ortiz left her position there is no minutes. There was no accountability, so what was conducted •• and we had •• we did have quorum all those meetings with the exception of one time, but we never had minutes. So it was really •• you couldn't function.

**LEG. KENNEDY:**

I'm just curious with that when you say there was no minutes. You had no minutes because you as a board had no support as far as somebody who was a scribe or secretary or just amongst you ••



**MR. TORRES:**

Well, I would say it is both. It's a little both. I can't just say, you know, one as the board themselves we had a secretary but the secretary did not perform her duties and the Chairman did not follow•up on that as well. So, that's the unfortunate part. And from what I understand, when Renee Ortiz was Director she made sure that the minutes were written and, you know, passed out to all the members. We did not have that and I •• practically every single meeting I complained about it to no avail.

**LEG. KENNEDY:**

Thank you very much. I appreciate you going ahead and giving that additional information. If I may, Mr. Chair, just a quick question for the sponsor.

You spoke briefly about the appointments and, as a matter of fact, the Legislators I guess having the ability to go ahead and appoint where we may have a 5% or greater •• are there any at large appointments? Do we have the ability to go ahead and do anything beyond that?

**LEG. MONTANO:**

I believe that the •• I will ask Counsel, but I believe the Presiding Officer has an appointment and also the leader of the other party that has •• well in other words ••

**LEG. KENNEDY:**

The minority and majority, okay.

**LEG. MONTANO:**

Well, if the Presiding Officer, you know, under our rules doesn't necessarily have to come from the majority party, so we made it a one party and the other each get an at large appointment.

And I just want to say one thing and I had passed out some figures here just to give you an idea of the population we are talking about. We asked the Presiding Officer's Office, Linda Burkhardt, to run some figures, and what I passed out is a list of voting districts which in many cases runs analogous to

an election district. And these figures are for the Town of Brookhaven. They include all of the voting districts in Brookhaven and they're broken down by population and Hispanic population because we wanted to see how many districts, how many Legislators would have 5% or more Hispanic population in their district.

There are five pages here and it starts with election district 018. I don't know where that's located, but that district has 69% Hispanic population. And as you go down you digress. There are more •• out of the five pages, more than three pages which would say that more than two-thirds of the election districts in the Town of Brookhaven have more than 5% Hispanic population.

So, as Renee said, this is the fastest growing community but it's really represented in a majority of election districts throughout Brookhaven, throughout Islip and throughout Suffolk County, and all we're saying is that if we're going to have a board, it should be representation from all the districts that have large parts of representation. We broke it off at 5% because that's where the Voting rights •• Act triggers in.

At this point I have no idea how many Legislators qualify with respect to having an appointment on this committee, but those that have 5% or more will get an appointment to the Advisory Board. And as was said earlier, it is simply an advisory board. It's not in any way a policymaking body.

**CHAIRMAN O'LEARY:**

A question that just came to mind with respect to the voting districts, aka ED, as you say. The legislative district, as you know, has several ED's, not just one ED or voting district.

**LEG. MONTANO:**

Exactly.

**CHAIRMAN O'LEARY:**

So is the average of the entire district •• that would be taken into account for that 5% number?

**LEG. MONTANO:**

It's the average of the entire district.

**CHAIRMAN O'LEARY:**

Okay. Good. Thank you. Any other questions? I have one card on the hearing, but I believe this was incorrectly filled out. Mr. Frederick Weimann. Do you want to speak on this issue or the public hearing because you cited that you want to speak on the ••

**MR. WEIMANN:**

No, I filled out the wrong card. I was on the HMO insurance.

**CHAIRMAN O'LEARY:**

I'll tell you what. Because you didn't •• excuse me?

**MR. WEIMANN:**

I can speak to it when you get to it on the agenda.

**CHAIRMAN O'LEARY:**

On the agenda? I was going to suggest that, not giving the opportunity to come up in the public portion because you filled out the wrong card. The green card is public hearing, the yellow card is public portion. Okay. Are there any other speakers on this issue with respect to IR 1996, the **public hearing, 1996, adopting Local Law to reconstitute the Hispanic Advisory Board (MONTANO)**. Hearing none ••

**LEG. MONTANO:**

I will make a motion to close the hearing.

**CHAIRMAN O'LEARY:**

There's a motion by Legislator Montano to close, seconded by myself. On the question of the motion to close this public hearing? Hearing none, all those in favor? Opposed? Abstentions? Unanimous. 1996 is **CLOSED**.

Okay. We will move then to the agenda.

***Tabled resolutions***

**1357, to protect Suffolk County employees from identity theft (ALDEN).**

I have a note here that the County Attorney representative wishes to speak on this as well as the Director of Labor Relations. If you will come up, please. Okay, 1357 is before us. Ms. Bizarro and Mr. Tempera.

**MR. TEMPERA:**

Good morning. Again, my comments, I really just want to reiterate again the comments I made at the last Ways and Means Committee meeting. I have been informed by the President of the Association of Municipal Employees that •• and the other union presidents, they view this as a violation of the Taylor Law. But that being said, as I reported last time, effective November 1st the County and EMHP, the health insurance plan, they are switching over to a new administrator, Empire BlueCross and the cards have already been designed. They contain alternate ID numbers so from a health insurance standpoint you will not see social security numbers being used as an identifier any longer. That will take place as of November 1st.

In addition, we had a trustees meeting of the AME Benefit Fund, I believe it was the beginning of September. We instructed the administrator of the fund to insure that social security numbers were not used. I believe there was only one instance that she had mentioned to us that a social security number might be on EOB when it goes back to the member and we asked that that be deleted. So, social security numbers won't be used with the fund as well. Thank you.

**MS. BIZZARRO:**

And I just wanted to comment again as I did at the last Ways and Means Committee.

**CHAIRMAN O'LEARY:**

Just say ditto.

**MS. BIZZARRO:**

I'm sorry?

**CHAIRMAN O'LEARY:**

Just say ditto.

**MS. BIZZARRO:**

Ditto, yes, thank you, that there will be a violation of the Taylor Law if this bill were to pass.

**CHAIRMAN O'LEARY:**

Okay. Thank you. The Chair is going to make a motion to table 1357. Second by Legislator Kennedy. On the question, the motion to table? Hearing none, all in favor? Opposed? Abstentions? 1357 is **tabled (VOTE: 5•0•0•0)**.

**1634, requesting legislative approval of a contract award for brokerage services for the procurement of HMO reinsurance for the Department of Health Services, Suffolk Health Plan (COUNTY EXEC).**

Mr. Weimann. We will give you an opportunity to come up. You did not get that opportunity during the public portion, so •• did you want to speak on this issue as well?

**MS. BIZZARRO:**

No, I didn't.

**CHAIRMAN O'LEARY:**

Okay.

**MR. WEIMANN:**

Thank you for letting me speak. I'm Fred Weimann. I'm with Suffolk Health Plan in the Suffolk County Department of Health Services. This is a resolution, 1634, that has been tabled previously. I had appeared before to advise the committee that since this was originally let as an RFP the plan has identified two additional reinsurance brokers that have assured the plan they will bid when we rebid this RFP and we have requested the Health Department's contracts unit to rebid this RFP. But in the interim period the

plan would appreciate it if the committee would consider approving this resolution to enable us to get brokerage services in the intervening period.

**CHAIRMAN O'LEARY:**

My understanding with respect to this particular resolution was that there was only one bidder and there was supposed to be an effort on the part of your agency to try to procure more bidders with respect to this contract. But that's ••

**MR. WEIMANN:**

And that is •• I mean, what we have identified but that would be on the next RFP and that is where we have identified two additional firms that have assured us when this is rebid they will submit bids which would then give us three bidders the next time around. But that would probably be a good nine to 12 months away.

**CHAIRMAN O'LEARY:**

Legislator Lindsay, who's not a member of the committee, wishes to speak on this matter.

**LEG. LINDSAY:**

Thank you very much. The only reason •• I think I was one of the ones that questioned the only bidder and I don't remember the bidder, but I think it was some ••

**MR. WEIMANN:**

It was Marsh.

**LEG. LINDSAY:**

•• pending litigation against that particular company. It just didn't look right. With the identifying two other bidders there's no way that we can turn around and put out a new RFP without doing this contract for this contract?

**MR. WEIMANN:**

We certainly could but that, you know, even rebidding the initial RFP is a process that would take a minimum six months.

**CHAIRMAN O'LEARY:**

The •• have you ever forwarded to Counsel, Legislative Counsel, the backup material requested as far as the contract, the amount of the contract awarded to ••

**MR. WEIMANN:**

Yes. I believe there's nothing, you know, outstanding in, you know, documentation from the Health Department.

**CHAIRMAN O'LEARY:**

Is that ••

**MS. KNAPP:**

I don't think so.

**CHAIRMAN O'LEARY:**

I'm going to defer to Counsel on this particular matter, this issue.

**MS. KNAPP:**

We have had some e•mails, but I don't believe that I have ever seen a copy of the contract. I guess the question really that I had and the reason why the contract becomes necessary is the Legislature doesn't know for how long a term the contract is nor the dollar figure.

**MR. WEIMANN:**

We don't develop contracts until such time as there is an award and there has been no award in this RFP.

**CHAIRMAN O'LEARY:**

Legislator Montano.

**LEG. MONTANO:**

So right now we're without a contract, right?

**MR. WEIMANN:**

That is correct.

**LEG. MONTANO:**

And if we don't approve this contract we are going to be •• or this resolution, we will be without a contract for six to 12 months. Is that what you said?

**MR. WEIMANN:**

Yes, that is correct.

**LEG. MONTANO:**

And so those services that we're seeking, they're not being provided at all at this point?

**MR. WEIMANN:**

Right. And this is now brokerage services. This is not the insurance carrier but the broker. So as of this moment we do have a carrier. Our relationship with that carrier will expire June 30, '06, and generally speaking for about a four to five month period before expiration you reprocure a carrier. So I'm concerned about the period coming up around December•January where we're going to start needing to speak to a broker about procuring a carrier.

**CHAIRMAN O'LEARY:**

All right. I hear what you are saying and there's •• there are some time concerns and constraint here and this has been, if you will, languishing in committee for some time. It's been in a back and forth with respect to the only the one bidder issue as opposed to other matters.

I'm going to move to discharge without recommendation to the full body and let the full body decide the merits of this particular resolution and the need to move it on the •• when is the next general meeting? What is the date of the next general meeting?

**LEG. LINDSAY:**

Twenty•seventh.

**MS. KNAPP:**

The 27th.



**CHAIRMAN O'LEARY:**

So I'm going to recommend DWR on this. Yes, Legislator?

**LEG. LINDSAY:**

Could I just say one more thing? As one Legislator and one Legislator only, it would be my wish to make the term as short as possible until this thing can be rebid.

**MR. WEIMANN:**

I would like the term to be month to month.

**LEG. LINDSAY:**

Well ••

**CHAIRMAN O'LEARY:**

You would like it but ••

**MR. WEIMANN:**

I will certainly request through our contracts unit that any contract be a month to month contract until such time as there is a successor contract.

**CHAIRMAN O'LEARY:**

Would you have any bidders with respect to a month to month arrangement as a ••

**MR. WEIMANN:**

Well, I mean, the current bidder, Marsh, I'm sure would accept a month to month.

**CHAIRMAN O'LEARY:**

I'm sure they would. All right. But you do know the problem with respect to the current sole bidder.

**MR. WEIMANN:**

Yes, I appreciate that.

**CHAIRMAN O'LEARY:**

There's a litigating matter that's on way with respect to that corporation. Legislator Kennedy.

**LEG. KENNEDY:**

I just want to beat a dead horse a little bit more. You are aware that there were seven principals of Marsh that were indicted last week.

**MR. WEIMANN:**

Yes. I am acutely aware of that.

**LEG. KENNEDY:**

And we're still discussing procuring service from them.

**MR. WEIMANN:**

I •• yes.

**LEG. KENNEDY:**

Excellent.

**CHAIRMAN O'LEARY:**

Legislator Montano.

**LEG. MONTANO:**

Yes, very quickly. The resolution allows for the month to month contract? There should be no problem with inconsistency between the resolution and the action you are going to take to make this contract month to month? Is that accurate?

**MR. WEIMANN:**

I would say the resolution does not require that it be month to month but I believe the resolution would permit it to be month to month.

**LEG. MONTANO:**

Would permit it and you will do it. Thanks.

**CHAIRMAN O'LEARY:**

You know, my sense is that, you know, there is a sense of urgency on your part to move this, but my sense, if I move it out from committee to the full body, I mean, you are going to be hard•pressed to get some support in light of the fact of the situation that you have. At any rate, I think it's time to move it out of committee to bring it before the full body, to bring it to a head, so to speak, one way or the other.

**MR. WEIMANN:**

Thank you very much.

**CHAIRMAN O'LEARY:**

I'm going to make a motion to discharge without recommendation. Is there a second on that?

**LEG. MONTANO:**

Yes, I'll second.

**CHAIRMAN O'LEARY:**

Legislator Montano is the second. On the question of the motion to discharge without recommendation? Hearing none, all those in favor? Opposed?

**LEG. KENNEDY:**

I'm opposed.

**CHAIRMAN O'LEARY:**

One opposed. Abstentions?

**LEG. LOSQUADRO:**

Abstention.

**CHAIRMAN O'LEARY:**

One abstention. What is this count? Elie, where are you with this?

**LEG. MYSTAL:**

I'm good with it.

**CHAIRMAN O'LEARY:**

It's three•one•one. The motion passes. We need three. Motion passes. It is **discharged without recommendation (VOTE: 3•1•1•0 • Opposed: Legis. Kennedy; Abstention: Legis. Losquadro)**. Okay.

1651, authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Thomas and Marie Doroski (CARACCILO).

I have •• there is a problem with this. It doesn't comply with the law. There is a request of the sponsor to defeat the resolution for lack of a motion. So on 1651, do I have a motion? Hearing none, 1651 is **defeated**.

**1777, adopting Local Law, a Charter Law to prohibit campaign contribution from contractors doing business with the County of Suffolk (CARACCILO).**

Public hearing was closed 8/9/05. Motion to table by the Chair, second by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1777 is **tabled (VOTE: 5•0•0•0•0)**.

**1778, adopting salary plans for employees who are excluded from Bargaining Units (O'LEARY).**

I will make a motion to table. Second by Legislator Montano. On the question of the motion to table 1778? Hearing none, all those in favor? Opposed? Abstentions? 1778 is **tabled (VOTE: 5•0•0•0•0)**.

**1783, adopting salary plans for employees who are excluded from Bargaining Units (COUNTY EXEC).**

Motion to table by myself, seconded by Legislator Montano. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1783 is **tabled (VOTE: 5•0•0•0•0)**.

**1786, authorizing certain technical corrections to adopted Resolution No. 417•2005 (COUNTY EXEC).**

I'll make a motion to approve. Second by Legislator Kennedy. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1786 is **approved (VOTE: 5•0•0•0)**.

**1817, establishing an Application Fee Waiver Policy for Civil Service examinations (BISHOP).**

There's a motion to approve by Legislator Mystal.

**LEG. MONTANO:**

Second.

**CHAIRMAN O'LEARY:**

Second by Legislator Montano. There is a motion to table by myself, second by Legislator Losquadro. On the motion to table, anyone wish to speak on this?

**MR. PICHARDO:**

Mr. Chairman, can I speak on this?

**CHAIRMAN O'LEARY:**

Mr. Pichardo, yes, go ahead. You're an aide for Legislator Bishop and you should wish to speak on this? Okay. All right. Go ahead. Do you know what you are doing? You're an aide speaking on this issue. Okay.

**MR. PICHARDO:**

I just want to ••

**CHAIRMAN O'LEARY:**

You have three minutes.

**MR. PICHARDO:**

I appreciate that, Mr. Chairman. I just wanted to speak to the relevance of the bill, why we came about to initiate it. It encourages self•sufficiency by allowing those in Social Services to •• they create access to fee waivers to educational opportunities. It also alleviates the strain on Social Services

programs by giving greater access to employment opportunities as well. The state allows us to waive certain Civil Service examination fees and most counties in the state either don't have fees in general or allow people on public assistance to waive them.

There were administrative problems brought up at the last meeting. Those problems have been mitigated mainly to verify if a recipient was indeed receiving public assistance. A simple form letter will be drafted from DSS and given to Civil Service. So as far as administratively Civil Service is working with DSS but it's fairly simple.

As far as the cost is concerned, similar counties •• Nassau last year in 2004 they had 115 people who applied for a Civil Service waiver. With that their average fee is about \$30 so it's •• we're talking a small amount here. So 115 people times 30 is not a lot of money. At 5% last year we had approximately 23,000 applicants, so if we have 5% of 23,000 this year, that's roughly 1,150, 1,150 people and our examination fees for open competitive exams is \$25 dollars, which is around \$28,000 a year for this waiver. If a few people •• 1,150 people take the test and two people, three people actually get on, the cost benefit for the County is definitely there to •  
• and that's about it, really.

**CHAIRMAN O'LEARY:**

Okay. Thank you. Legislator Bishop could not have done better himself. Okay. There's a motion to table before us. On the question of the motion to table, which takes precedence over the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? Three•two. The resolution is tabled •• and not because of your effort, sir. **TABLED (VOTE:3•2•0•0 • Opposed: Legis. Montano and Mystal)**

**LEG. MONTANO:**

Nothing personal.

**CHAIRMAN O'LEARY:**

Nothing personal. All right. Moving on.

**1818, adopting a Local Law, a Charter Law to secure private Property rights (BINDER).**

Public hearing was closed on 1818. Motion to table by myself. Second by Legislator Montano. On the question, the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1818 is **tabled (VOTE: 5•0•0•0•0)**.

**1820, adopting Local Law, a Local Law to extend and further strengthen the reporting for the Anti•Nepotism Statute (CARACCILO).**

Motion to table by myself. Second by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1820 is **tabled (VOTE: 5•0•0•0•0)**.

**1827, adopting a Local Law, a Local Law amending Local Law No. 42 • 1999, providing for equitable compensation for the District Attorney (Caracappa).**

Public hearing was closed 8/23. By way of explanation. This resolution attempts to afford to the District Attorney a comparable salary afforded to all other County•wide elected officials. I think my record reflects that the District Attorney receives some 13 or \$14,000 less than his counterpart County•wide elected officials. Currently by State Law the District Attorney's salary, the minimum compensation received by the District Attorney is that of a State Supreme Court Justice. So this •• obviously the State Supreme Court Justices make about \$13,000 less than the County•wide elected officials. So this is an attempt to try to bring the District Attorney's Office, and it's within our authority to do so, to a commensurate level salary wise, compensation wise, with other County•wide elected officials with the understanding, of course, if at some time •• at some point in time in the future, although it's unlikely, that the State Supreme Court Justices receive salary increases that would be more than County•wide elected officials, the law would still take precedence that the District Attorney would receive the greater of the two, either the County•wide salary or the State Supreme Court Justice salary. I'm going to make a motion to approve.

**LEG. MONTANO:**

I will second.

**LEG. O'LEARY:**

Seconded by Legislator Montano. Is there a question on the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1827 is **APPROVED (VOTE: 5•0•0•0)**.

**1867, establishing a policy and procedure for the naming of County facilities (COOPER).**

I make a motion to table. Seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1867 is **tabled (VOTE: 5•0•0•0)**.

**1903, adopting a Local Law, a Local Law to protect Suffolk residents by enacting the Suffolk County Fair Share for Health Care Act (LINDSAY).**

**LEG. LINDSAY:**

May I be recognized?

**LEG. O'LEARY:**

Yes, Legislator, but before I recognize the prime sponsor I want to state that during the public hearing, which was closed on 8/23 of '05, there were certain issues and concerns that were raised during that hearing and we were under the impression that the prime sponsor would be at addressing these issues and concerns by way of amending language in the resolution and I'm informed that that has occurred. The prime sponsor is here. I would wish for him to speak on that as to just what the amendments were, the issues that were raised, to clarify for the committee the status of this particular resolution. Legislator Lindsay.

**LEG. LINDSAY:**



Thank you, Mr. Chairman. The bill was amended really Monday at the bewitching hour of the deadline to amend bills. There has been a number of conversations between myself and some of the people that are interested in this bill since the public hearing and some of the comments that were made at the public hearing were taken in and the bill was modified to accommodate some of the those comments.

I'm going to ask Counsel to go over the changes. Some of the changes are significant and others are really not significant. They're kind of like a bookkeeping thing here and there. But if Counsel would go over them one by one so you can hear from her about it. The revised bill has been passed out to the committee. You should have it in front of you.

**MS. KNAPP:**

There were basically ten changes. I can go through each one of them individually. I think I will start by just being a little bit more general on it.

In the definitions, and my understanding is from the meetings that I sat in with the sponsor that these changes were the result of meetings that were held between many of the principals and clearly some of the changes are legal so obviously some of the lawyers.

The definition of covered employer, which is obviously one of the important ones, has been changed slightly in that we went from 5% of what we had just as floor space and this is a threshold issue which is important as to the size of the net, so to speak, as to who would be covered in covered employees •• covered employers. It went from 5% of the store's floor space to 3% of the store's selling floor space. And that obviously would reduce the number of covered employers and that is a fairly complex definition that is interdependent, but that one particular change was designed to make sure that the littler employers would not be covered, smaller employers.

Employee was clarified to make it crystal clear that independent contractors would not be thrown into the calculation in terms of the numbers, the number of hours that had to be plugged into the formula. And that, again, was an important change to the employers.

Groceries were defined to add clarity, again, for the benefit of the employers.

A small change, it was clarified that the administering agency, which in our case is the Labor Department, can consult with the County Comptroller for purposes of establishing procedures if they wish to do it. They're not obligated to do that.

We deleted a previous section that was unclear and deemed to be unnecessary. We rewrote the section about penalties and in this case, again, it was a concession, I think, to some of the employers in that instead of being faced with a penalty that was twice the amount that they should have paid upfront upon finding that they had violated the law, this was greatly ameliorated by allowing them to pay just the penalty as long as they corrected it within 90 days. If they failed to correct it within 90 days then it was a more onerous penalty of \$15 per employee per day. Let's see, what else.

**CHAIRMAN O'LEARY:**

Did you •• Counsel, did you make mention of this •• my notes indicate there was an issue of subcontractors. Has that been addressed?

**MS. KNAPP:**

Absolutely. That was the portion of the definition that defined employees in a way that could have encompassed people that I described as being a plumber or an electrician who came in and worked for five days correcting a problem, that those hours would have to be thrown into the formula. We made that •• we deleted all those references and made it clear that employees were intended to be people who actually worked for the business.

**CHAIRMAN O'LEARY:**

All right. The •• I have a list. I'm just going to give an opportunity to Counsel to finish the amended portion and then we will go to some questions.

**MS. KNAPP:**

There were some other changes that I would term legal changes in that we

put in our statute of limitation of three years. We made •• the proceedings have to be brought in court. And the other, I think, important change that should be mentioned is that the effective date was changed to January 1, 2006 with the obligations to actually make the health care expenditures not commencing until May 1 of 2006. I think that's really the big ••

**CHAIRMAN O'LEARY:**

Okay. Legislator Kennedy and then Legislator Losquadro.

**LEG. KENNEDY:**

Thank you very much. Just a couple of questions, I guess, through Counsel and/or the sponsor. The first thing that I'll go to is when you just talked about decreasing the square footage from 5% to 3%, how does that decrease the number of covered employers? That increases, doesn't it, the number of parties that are involved?

**MS. KNAPP:**

Well, I will let Legislator Lindsay answer the actual question, but it may be helpful if I go through the definition before Legislator Lindsay answers the question, just so.

**LEG. KENNEDY:**

Sure.

**MS. KNAPP:**

A covered employer is any person, first of all, that has to have one retail store located in the County of Suffolk where groceries or other foods are sold for off•site consumption. That's a threshold. Then the threshold then becomes there are milestones you have to meet. Either 25 •• you either have to have 25,000 square feet or more of your store's selling area floor space used for the sale of groceries for off•site consumption or 3% or more of the store's selling floor area space •• selling area, sorry, floor space is used for the sale of groceries and the store has at least 100,000 square feet. Or you have total annual revenues of one billion dollars or more and the sale of groceries comprise 20% or more of the company's revenue. And I may have misspoken, you may be correct. That may be a change that we made ••

**LEG. KENNEDY:**

It's just I ••

**MS. KNAPP:**

Yeah, you may be correct about that. I am sorry.

**LEG. LINDSAY:**

Not really. There's two changes in that section. The first one it went from floor space to selling space. There was a great concern by the industry that storage space would be included in the calculation and in return for that there was an adjustment made in the big box store concept from 5% to 3%.

**LEG. KENNEDY:**

Okay.

**CHAIRMAN O'LEARY:**

Just prerogative of the Chair, just one question. Any employees connected with a bargaining unit are not •• this is not •• they're not included with respect to this particular initiative, correct? It's ••

**LEG. LINDSAY:**

Correct, but I will have Counsel verify that.

**CHAIRMAN O'LEARY:**

All right. It's my understanding that this would only include the definition of employees who are not represented by a collective bargaining unit, correct?

**MS. KNAPP:**

Actually, we did clarify that section six and, yes, what we did with section six was a covered employer, we created an exemption that says that an employer who's a signatory to one or more collective bargaining agreements that cover at least 75% of its employees may •• all they have to do is do an annual filing, otherwise they're exempt.

**CHAIRMAN O'LEARY:**

I'm sorry, Legislator Kennedy, for the interruption.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Not a problem. Certainly it helps with the process. All right. So that addresses, I guess, where we're at with the threshold.

You also spoke about the employee question, the IC's are out and so that's clarified. What's •• there is a term in here about seasonal. And again, I'm wondering whether or not we're relying upon standard definitions that you look from, I don't know, labor law or Internal Revenue Code. What is a seasonal employee?

**LEG. LINDSAY:**

The bill was clarified to eliminate any subcontractors in the store.

**LEG. KENNEDY:**

Right.

**LEG. LINDSAY:**

Anybody that works for the store, the hours will be computed towards what the company should be spending on health care. That doesn't necessarily mean that the seasonal employees will be covered. In other words, if someone works ten hours a week, the ten hours is included in the formula for how much money.

**LEG. KENNEDY:**

For the contribution to the fund.

**LEG. LINDSAY:**

Right.

**LEG. KENNEDY:**

I see.

**LEG. LINDSAY:**

But that doesn't mean that any one of those employees •• it's up to the employer on where he'll spend the health care dollars.

**MS. KNAPP:**

This bill does not mandate that a seasonal or a part•time employee be covered. It simply is a total dollar expenditure for health care.

**LEG. KENNEDY:**

And that was, I guess, the next place that I wanted to go to. Without, I mean, all of the gory details and everything again, in essence what this bill really does is just compel the employers to establish a fund, almost like a dedicated fund, whose sole purpose is for the payment of health care expenditures.

**LEG. LINDSAY:**

Correct.

**LEG. KENNEDY:**

But it's still up to the employer to elect who is and who is not eligible to receive ••

**LEG. LINDSAY:**

And what type and how much.

**LEG. KENNEDY:**

Offset. Has the industry that is involved with •• the organized, Shop Rite and some of the other ones now. Have they had any dialogue with you as far as what the cost of their current plans are in contrast to what this may or may not compel in the way of contributions? I mean, I know nothing about the purchase of group health insurance plans.

**LEG. LINDSAY:**

There has been discussions about the whole thing with both the labor side and the management side.

**LEG. KENNEDY:**

And this is in the same realm as far as what those that are covered now and are paying, it is in the same similar ballpark or no?

**LEG. LINDSAY:**

Yes.

**LEG. KENNEDY:**

It is. Okay. Last question I would go to then, I guess, is under the enforcement and the penalties. I read through it quickly, I'm just not certain if, in fact, we have somebody who's a violator •• who are the penalties actually getting •• who do they get paid to? In other words, we have somebody, we've determined they're in violation, we notice them. Ninety days go, they don't go ahead and conform ••

**LEG. LINDSAY:**

This bill isn't about payment to individuals. It can't be about payment to individuals because of an \\_ARISA\\_ preemption. This is about the employer allocating a certain amount of money to provide health benefits for their employees.

**LEG. KENNEDY:**

That I understand.

**LEG. LINDSAY:**

So if a violation is found the money has to be made up to that allotment fund.

**LEG. KENNEDY:**

Okay. I think I'm following, but in other words ••

**LEG. LINDSAY:**

You're talking about specific penalties.

**LEG. KENNEDY:**

Yes. But in other words, what I'm saying is so then we determine that somebody is a violator. Somehow, I guess, we're involved with noticing and then we compel them to pay to whom? If they never establish the fund in the first instance, where is it going?

**MS. KNAPP:**

Section 4A says that the penalties, the civil penalties, and that's the difference between •• that's the \$15 a day that was changed. The civil penalties shall be paid to the County and deposited in the General Fund on the civil penalties.

**LEG. KENNEDY:**

To the General Fund?

**MS. KNAPP:**

On the civil penalties, yeah.

**LEG. KENNEDY:**

It wouldn't be a T and A, a trust and agency that would be with the Treasurer?

**MS. KNAPP:**

The civil penalties are the ones over and above what the employer should be making as his health care contribution. The civil penalties are the \$15 a day and that's if you don't do what you are supposed to do.

**LEG. KENNEDY:**

Okay. That's it for now. Thank you.

**CHAIRMAN O'LEARY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. Legislator Kennedy addressed the main thrust of my question, which was about the definition of employee. Because I do recall that there was conversation about part•time, seasonal employees, and you gave an explanation of that. In the definition of employee it precludes managerial, supervisor, or confidential employees. Being that the employer has the right to determine where that money is going to be spent, is the employer precluded from using that money to pay for benefits for those same managerial staff?

**LEG. LINDSAY:**



No, no. And again, the bill can't direct who is insured because you would be up against the federal preemption.

**LEG. LOSQUADRO:**

So hypothetically they could take this money and put it towards additional payments toward their managerial staff.

**LEG. LINDSAY:**

You know, there is no doubt about it. Management could choose to carve out a certain group of employees within their employ to insure.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRMAN O'LEARY:**

Okay. Any other questions on 1903? As a predictable •• because there was •• as you can understand, as the prime sponsor of this bill, I'm a cosponsor, there's been an awful lot of questions that have come up as a result of the public hearing. I would hope that a lot of those questions have been asked and answered today and with that understanding there's an expressed intent on the part of the prime sponsor to move this bill with the understanding that, you know, this is the last year of a two year term and the bill would die at the end of the year. It can always be reintroduced, but it's something that I think should be addressed by the full body. I'm certain that there will be other questions from the full body when this is presented to them at a general meeting.

And with that understanding I'm going to make a motion to discharge without recommendation with the hopes to have this addressed at the September 27th general meeting and have an opportunity for the full Legislature to continue with the inquiries regarding the amendments that have been made with respect to this particular bill. Is there a second on the DWR?

**LEG. MONTANO:**

Yes.

**CHAIRMAN O'LEARY:**

Legislator Montano seconds the motion to discharge without recommendation. On the question of the motion to discharge without recommendation? Hearing none, all those in favor? Opposed? Abstentions? 1903 is **discharged without recommendation (VOTE: 5•0•0•0)**.

**1911, authorizing the lease of premises located at 950 Sylvan Avenue, Bayport, NY for use by the Department of Public Works (COUNTY EXEC).**

I'll make a motion to approve, second by Legislator Montano. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1911 is **approved (VOTE: 5•0•0•0)**.

**1946, authorizing certain technical corrections to Resolution No. 709 •2005 (COUNTY EXEC).**

Can this be placed on consent calendar, Counsel? A lease?

**LEG. MYSTAL:**

It's a lease.

**CHAIRMAN O'LEARY:**

No. Okay. Fine. Thank you.

**Introductory Resolutions**

**1946, authorizing certain technical corrections to adopted Resolution No. 709•2005.**

Motion to approve by myself.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN O'LEARY:**

Seconded by Legislator Losquadro and to be placed on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1946 is **approved** and placed on the **consent calendar (VOTE: 5•0•0•0)**.

**1947, authorizing certain technical corrections to Resolution No. 523•2005 and adopted Resolution No. 140•2005 (ALDEN).**

Same motion, same second, place on the consent calendar. On the question? Hearing none, all those in favor? Opposed? Abstentions? 1947 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0)**.

**1949, authorizing certain technical corrections to Resolution No. 1084•2004 (COUNTY EXEC).**

Same motion, same second, place on the consent calendar. On the question? Hearing none, all those in favor? Opposed? Abstentions? 1949 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0)**.

**1951, authorizing certain technical corrections to Resolution No. 1020•2004 (LINDSAY).**

Same motion, same second, to place on consent calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1951 is **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5/0/0/0)**.

**1955, authorizing certain technical corrections to Resolution No. 525•2005 (PRESIDING OFFICER).**

Same motion, same second, to place on the consent calendar. On the

question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1955 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0)**.

**1956, authorizing certain technical corrections to Resolution No. 711 •2005 (O'LEARY).**

Same motion, same second, to place on Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1956 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0)**.

**1959•05, adopting Local Law No. 2005, a Local Law to require that certain employees only use County vehicles while conducting County business (LOSQUADRO).**

**CHAIRMAN O'LEARY:**

I understand the County Attorney and the Director of Labor Relations wish to come forward and speak on this issue as well as the Commissioner of Public Works. Dan, they're going to be ganging up on you.

**LEG. LOSQUADRO:**

Legislator O'Leary, if I may just make a comment.

**CHAIRMAN O'LEARY:**

The Chair recognizes Legislator Losquadro, the sponsor of 1959.

**LEG. LOSQUADRO:**

First off, there will be no action taken on this today as it needs to be tabled for a public hearing. So there's no one who's interested in this other than yourselves who is here to speak today about it, but if you wish to take a shot across the bow, please commence.

**CHAIRMAN O'LEARY:**

Okay. The Chair recognizes the Commissioner of Public Works, Charles Bartha.

**COMMISSIONER BARTHA:**

Well, simply in the Department of Public Works, I took a random sampling of days, and on the four days I selected, there were as many as nine employees using or receiving mileage reimbursement. So we would need at least nine vehicles in order to continue our work in the fashion that we have without impact. That's about \$135,000 right now.

The total mileage that we paid last year or projected for this year is \$15,000. So considering the adjustment with the IRS increase in that rate, it would be \$18,000 for next year versus the cost of cars of 135,000.

In addition, obviously other departments, it would be •• my understanding is it would be much more of an impact because there is more mileage reimbursed in other departments. We would need additional auto mechanics in our garages to handle the additional fleet, the increase in fleet. We were looking at an increase of fleet projected of over 50 vehicles. So there's a significant cost impact associated with this.

**CHAIRMAN O'LEARY:**

County Attorney's representative, Lynne Bizzarro.

**MS. BIZZARRO:**

Thank you. I had actually inquired of the sponsor, Legislator Losquadro, regarding getting on the list of exempt departments, but I had not received an answer, so that I just wanted to let you know that.

**MR. TEMPERA:**

You personally?

**MS. BIZZARRO:**

Yes, actually, I personally made that request.

**LEG. LOSQUADRO:**

She did.

**MS. BIZZARRO:**

Our department only has five vehicles available for use by the attorneys. They're in use at all times. All the other attorneys basically utilize their cars. We have over 60 attorneys in the department, and on a day by day basis, we would basically be crippled if this law were to go through. On a moment's notice the court may call us, indicate that we have to be in on an order to show cause, we need a vehicle ASAP. If there's no vehicle around, an attorney is getting in his or her car and driving to court.

And I will say this, at least in terms of my history. I would say probably 90 to 95% of the time I don't even put in for the mileage. Like, for example, I'll just drive over here from across the way, I would never even think about putting in the mileage on that. I don't know •• and I don't know the history of what all the other attorneys do, but I would say that there's a good percentage of them that follow what I do as well.

So we either need a significant amount of more cars, which would cost a tremendous amount, or we just want to be able to do what we have been doing to date. Thank you.

**CHAIRMAN O'LEARY:**

Before we get to the Director of Labor Relations, Jeff Tempera, I think one of the prime concerns is the use ••

**LEG. LOSQUADRO:**

I'll address it.

**CHAIRMAN O'LEARY:**

Oh, you will?

**LEG. LOSQUADRO:**

Yeah.

**CHAIRMAN O'LEARY:**

All right. I will defer to you then. The Chair recognizes the Director of Labor Relations, Mr. Jeffery Tempera.

**MR. TEMPERA:**

Good morning.

**CHAIRMAN O'LEARY:**

Good morning, Jeff.

**MR. TEMPERA:**

I'm glad that Lynne brought up the County Attorney's Office because while I was sitting here I started going through some of the departments, and that was one of the areas that came to mind that would be impacted. I think if you look around the room, a lot of the County employees who came over here today, myself included, we used our own personal vehicles to come across the street. If you are over in the Dennison Building, even by contract, the AME employees over in the Dennison Building coming over here traveling within a complex aren't entitled to mileage, they use their County •• they use a personal vehicle to come back and forth. It's never been an issue.

Mileage •• a mileage clause has been in the collective bargaining agreements. Legislator O'Leary, from your experience, I know it may not happen often with detectives, but I think there's a clause in the detective's contract as with the PBA, any of the contracts have a mileage clause in it and probably has been in their contracts in excess of 30 years.

It's a mechanism to compensate employees for wear and tear on their car, gas, maintenance, insurance, all of the issues that are covered through the IRS regulations for employees use of a personal vehicle. It is a recognized reimbursement. Obviously the IRS has recognized it since they just raised the rate of reimbursement from 40.5 cents to 48.5 cents as a result of the current gasoline crisis.

**CHAIRMAN O'LEARY:**

Does management have the right of refusal if such a voucher is submitted for a reimbursement?

**MR. TEMPERA:**

What do you mean do we have the ••

**CHAIRMAN O'LEARY:**

Mileage, mileage allowance.

**MR. TEMPERA:**

If someone utilizes a personal vehicle on County business and they had approval up front to use their personal vehicle on County business, and that's typically what happens ••

**CHAIRMAN O'LEARY:**

So the approval is required prior to use in each and every instance?

**MR. TEMPERA:**

Pete, you know, there's no absolutes in this world so I don't want to say absolutely, but the rule of thumb is, you know, someone must have their chart approved, their schedule approved, whatever they're doing. We have got so many different titles out there, whether it's caseworkers, nurses, sanitarians. Sometimes cars are provided, sometimes they are not. I think you have seen a move over the years, I think the Legislature has joined in this move, to not have cars sitting around in parking lots. It sends the wrong image to the public if we have a stockpile of County cars. And if someone pulled on average the number of vouchers that go in on a day, or the use of vehicles on any given day and equate that to having to have County vehicles available, I would venture to say the use and mileage on any given day far exceeds the fleet of cars that are available.

I have been here since, you know, 9:30 this morning addressing the committee on various subjects that may come up, that would mean if I took a County car over here, it would be sitting in the parking lot all day long.

**CHAIRMAN O'LEARY:**

If you were at your office, it would be sitting in the parking lot anyway.

**MR. TEMPERA:**

No. It would be used by someone else, you would hope. If the car is •• it is not assigned to me, it would be assigned to a pool and you would hope that if a car is needed and it is in a pool, it's available for anyone to use at any given time. And again, I think the contracts do provide, and it applies to



management as well, if a County vehicle isn't available, there is fair and equitable reimbursement to employees.

I did go through the resolution and had a couple of comments and questions and issues that I didn't understand things. For instance, under policy, under A, there's a sentence that says an employee shall now not be permitted to utilize a personal vehicle to conduct County business. Clear•cut statement. If someone uses a County •• their own personal vehicle, they're going to be disciplined because it's in violation of a rule. But yet you go to D in the same resolution, it says the use of any County •• the use by any County employee of a personal vehicle to conduct County business shall not be construed as a presumption that the employee was acting outside the scope of employment.

Two contradictory comments •• statements within the same resolution, because if this resolution is passed and someone uses their own personal vehicle in violation of it, it would be my advice to any supervisor you'd have to discipline that individual, they are violating a County policy and rule.

There could be the negative impact on the work flow. You're not going to have •• if there isn't a vehicle available and there isn't a mechanism for an employee to go out and do their work, and we're saying they can't use their personal vehicle under any circumstances, negative impact there. I notice the Sheriff's Office was not exempted. I know the Deputy Sheriffs typically •  
• excuse me?

**LEG. LOSQUADRO:**

They have been.

**MR. TEMPERA:**

It has been amended, okay.

**LEG. LOSQUADRO:**

Yes.

**MR. TEMPERA:**

I'm sorry. That was the version I just pulled out, it didn't have it in it. But I

think basically they have Deputy Sheriffs if they are using their vehicles •• will have cars available.

There's also no employee shall drive any individual who is not an employee in their own personal vehicle. I can think of any number of different of times that I have had my own personal vehicle. I've been out at negotiations going throughout the night. We have consultants, we have attorneys. You're smiling, Legislator O'Leary. You might remember a few of those times. And whether I drive my attorney back to his car, we go to a different location, the consultant that I may be working with, we're involved in health insurance, there's any number of non•County employees that we may travel together in my vehicle to ••

**CHAIRMAN O'LEARY:**

Let me just interrupt for a second.

**MR. TEMPERA:**

Sure.

**CHAIRMAN O'LEARY:**

Is there any situation where you would be using a County car?

**MR. TEMPERA:**

If there's one available. I use a County car whenever there's one available, absolutely.

**CHAIRMAN O'LEARY:**

Well, then if you use your own car while you're working, I have to assume then that you only use the County car for transportation to and from work.

**MR. TEMPERA:**

I don't have a County car assigned to me and I use every ••

**CHAIRMAN O'LEARY:**

No. If you did, that that would be the only time that you would use it.

**MR. TEMPERA:**

If there is a County vehicle available, first thing •• first rule of thumb for any County employee if you're going to go out and do County business is you check to see if there's a County vehicle available. If there is a County vehicle available, you're going to use that vehicle. That is the rule of thumb in the County.

Now, there are many, many, many situations where there aren't County vehicles available. I mentioned caseworkers may be going out on the road and there aren't vehicles available for every caseworker. I think we have nurses within the Health Department ••

**CHAIRMAN O'LEARY:**

All right. I think we got the message. As Legislator Losquadro had made mention of, this resolution is going to be tabled today anyway because there's a public hearing set for the next General Meeting.

**MR. TEMPERA:**

Well, again, if I might, there's just one other item. You're also talking about having employees come before the Legislature if they use a •• their own personal vehicle where people might be disciplined. And again, I think it's very dangerous to get into a situation that we are restricting employees from being able to do their job by saying we won't have a vehicle available, or if there isn't a vehicle available, that's number one, or stockpiling vehicles to have them sit around parking lots. It sends the wrong message. And if we have to discipline somebody as a result of this, I think that's counterproductive as well. Thank you.

**CHAIRMAN O'LEARY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Okay. Hold on. I feel like I am back in college taking notes so fast. All right. We will start with DPW. You talked ••

**CHAIRMAN O'LEARY:**

I would ask that this not become a Q and A.

**LEG. LOSQUADRO:**

Yes.

**CHAIRMAN O'LEARY:**

Just make your points and we're going to move on.

**LEG. LOSQUADRO:**

No, I'm going to make my points. You talked about initial outlay of funds of 130 some odd thousand dollars. That does not take into account life expectancy of vehicles. That is an initial outlay. Vehicles last for more than one year, so that math doesn't quite add up.

In my opinion, based on what •• and this is no offense, I know you are short •staffed over there, I think there's already a need for additional mechanics. And 50 vehicles based on the type of liability exposure that I see, if that's what you are talking about to accomplish this, does not seem unreasonable.

To the County Attorney's Office, I know I had received a request from you. This bill is evolving. We're going to have the public hearing and it will evolve past that public hearing. I do find it a bit ironic, though, how quickly you did an analysis and found that this would be detrimental to your department considering I asked Ms. Malafi over eight months ago to give me some determinations on how this would effect employees, what the exact County policy was for indemnifying employees after an accident, would they be reimbursed for a deductible.

There were a number of liability issues that I brought up to her, to her personally, not to you, and asked to pass along. I spoke to her personally about a number of liability issues that I had, received no response. I file a bill, I now get a response. And I am very glad, Ms. Bizzarro, that you can afford not to file for mileage reimbursement, but the fact of the matter is that many individuals who are lower paid employees in the Health Department and Probation Department cannot afford that.

On to the Labor Relations Department. Certainly the intention is not to have cars sitting in lots. The intention here would be to have cars out on the road. And if we need 50 additional cars as has been stated, I don't see why

•• and I will get to the intent of this bill in a moment •• why they would be sitting in lots. My intent would not be to have individuals such as yourselves having access to them by having them sit in lots. I would rather have them being used by the field employees who need them. As I said, this is an evolving resolution.

The reason why •• and you brought up about the penalty portion, I would not want to penalize employees here. And I know •• again, it is evolving. We're trying to come up with a way to craft the language so that an employee would not be penalized if a car was not made available to him. At that point, the department head and the administration as a whole would have to answer as to why vehicles were not made available and a person was put in a situation where they were exposed to liability that they should not have to shoulder.

Outside of County employees and vehicles, again, this is going to be something that is difficult to craft the exact legal language. The real intent of this in looking at it are people involved in cases. There are instances where people in the Probation Department are transporting people who have a case with the County. People in the Health Department are transporting people who have cases with the Health Department. I think from not a liability exposure standpoint to the individual at that point, I think a liability exposure standpoint to the County. I happen to know from experience in the insurance industry that there are a lot of unscrupulous people out there who see very deep pockets like that and would love to take the opportunity to go after some of that money. So I do have some concerns about that, and I will be working with Counsel's Office to amend that language to try to narrow the focus.

I had one other comment here, where did I put it? To me, the issue isn't wear and tear, it comes down to liability. I know you spoke about the reimbursement rate going up, and there's even a question of that based on the current gas price, as 48.5 cents still doesn't come close with current gas prices and the trend upward. Those figures still only represent under two dollars a gallon for gasoline.

I have a very interesting question to pose, though. What happens •• you

have job titles that require a valid driver's license and that is the only requirement for them. It does not say you have to have your own vehicle. And we're talking about instances where we want to waive fees for Civil Service tests to give people of less means an opportunity to come and work for the County, say in the Health Department. That person has a valid driver's license, but they take public transportation to work. What happens? Because they don't have their car, they can't fulfill their job function. Will they be terminated because a car is not available to them?

It is not a requirement of the job. I have looked into some of these titles and the only requirement is that they have a valid driver's license. And I posed this question to Civil Service, and I'm not real happy with some of the answers I have been getting. So that's a situation I would like to see an answer to. And you might want to address it now, you might want to look into it.

**MR. TEMPERA:**

I'll tell you what the answer is, because it's ••

**CHAIRMAN O'LEARY:**

It was a rhetorical question.

**MR. TEMPERA:**

If you don't want an answer, that's fine. But it's something that has been dealt with over the years. This is not a new question. It comes up all the time. If there is a requirement for a driver's license •• the fact that it's a driver's license requirement isn't the only issue. If the job that you •• that the individual is required to do requires travel, if they're required to get to a job site, you know what? I don't care and the County doesn't care if they take a bus, they have a friend drive them, any way that they can get the job done, that's fine. But if someone's job is to go from area to area to area, doesn't require them to transport anybody, doesn't require them to pick somebody up and bring them to another location, then how they get that job done is not an issue from the County's standpoint as long as they get the job done in a reasonable period of time. And a reasonable period of time is as a standard we look at if you had your own car, how long would it take you to get there. But if they have a friend that wants to drive them around,

as long as that requirement is met and there isn't any violation, that's fine.

If someone is required to transport people or pick somebody up and there isn't a County car available, then they are required to use their own vehicle. That has been a standard in the County for as long as I have been involved in this business.

**CHAIRMAN O'LEARY:**

Okay. I'm going to move the resolution.

**MR. TEMPERA:**

If I could make •• and I apologize, the last thing ••

**LEG. LOSQUADRO:**

That's an interesting ••

**CHAIRMAN O'LEARY:**

I'm pressed for some time here.

**MR. TEMPERA:**

The last thing that was brought up was a liability issue and I bring up again this clause has been in the contracts, we have been reimbursing employees for as long as I can recall. If there is an issue that it's costing the County exorbitant amounts in liability, I haven't heard of any large claims over the large •• over the period of time that I've been involved in it.

**LEG. LOSQUADRO:**

I will move this quickly, Legislator O'Leary. I just want to make a couple of final comments. The issue of reimbursement of expenses after accidents, I still have not gotten an answer on. And quite frankly, sir, I have a number of specific instances where individuals were told by their department heads tough luck. They were not indemnified for their losses and we're told that was the County policy.

So even if this leads to a clarification of the County policy and individuals knowing what their rights are if they do drive their own vehicles, because I have to tell you, County•wide, there is no uniformity. And individuals have



been denied what may be legally entitled to them on many occasions because perhaps their department heads don't know exactly what the letter of the law is. So this is something that's going to bear quite a bit of looking into. I thank you all for your comments, though.

**MR. TEMPERA:**

Thank you.

**MS. BIZZARRO:**

Thank you.

**CHAIRMAN O'LEARY:**

All right. Let's move 1959. There's a motion to table by Legislator Losquadro, seconded by myself. The public hearing is set for September 27th. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1959 is **tabled (VOTE: 5•0•0•0)**.

**1960, authorizing certain technical corrections to Resolution No. 523 •2005 (ALDEN).**

Motion to approve by Legislator Kennedy, seconded by myself, to place on the Consent Calender as well. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1960 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0)**.

**1963, approving the appointment of County employee (Marc P. Montano) in the Suffolk County Board of Elections (MONTANO).**

**LEG. MONTANO:**

Motion.

**CHAIRMAN O'LEARY:**

I think you should recuse yourself on this one.

**LEG. MONTANO:**

I have to recuse myself?



**CHAIRMAN O'LEARY:**

I think you should recuse yourself, yeah.

**P.O. CARACAPPA:**

Can I vote on this one?

**CHAIRMAN O'LEARY:**

I'm going to make a motion to approve, second by Legislator Mystal, and to place on the Consent Calender. On the question of the motion to approve and place on the consent calendar? Hearing none, all those in favor? Opposed? Abstentions? 1963 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 4•0•1•0. Abstention: Legis. Montano).**

**1967, authorizing transfer or surplus County computers to First Congregational Church Early Learning Center (ALDEN).**

Motion to approve by myself and place on Consent Calender. Second by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1967 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0).**

We get into the Real Estate portion of the agenda. The Director of Real Estate, Pat Zielenski, would you come up, please.

Before us is **1969, authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Leon J. Bliss and Deborah K. Bliss (BISHOP).**

Can we have an explanation on that, please? A rather quick one, if you have it.

**DIRECTOR ZIELENSKI:**

Well, this was a 215. It was done by Legislator Bishop's office.

**CHAIRMAN O'LEARY:**

Yeah, okay. Are all the legal requirements in place with respect to this.

**MS. KNAPP:**

Yes. The 215's are not on the calendar without a flag. If they meet the legal requirements it means that they have gone through my office, I have looked at the paperwork. I'm trying to remember the Bliss' situation.

**DIRECTOR ZIELENSKI:**

This was the case with disability where there was a loss of ••

**MS. KNAPP:**

They had a number and they were both, I believe •• and they're within their time frames. They had the signed documents.

**CHAIRMAN O'LEARY:**

Okay. I will entertain a motion to approve and place on the Consent Calender 1969 by Legislator Montano. Second by myself. On the question? Hearing none, all those in favor? Opposed? Abstentions? 1969 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0)**.

**1976, adopting Local Law, a Charter Law to transfer the print shop from County Department of Human Resources, Civil Service and Personnel to County Department of Public Works (COUNTY EXEC).**

Table for public hearing purpose. Motion by Legislator Losquadro, seconded by myself. Public hearing to be held at the general meeting on 9/27. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1976 is **tabled (VOTE: 5•0•0•0)**.

**1989, authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Timothy Duignan and John Duignan (COUNTY EXEC).**

The appraisal.

**DIRECTOR ZIELENSKI:**

This is an as of right redemption.

**CHAIRMAN O'LEARY:**

As of right. Motion by myself to approve and place on Consent Calendar. Second by Legislator Montano. On the question of the motion to approve and place on the Consent Calendar? Hearing none, all those in favor? Opposed? Abstentions? 1989 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0)**.

**1990, authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Timothy Duignan and John Duignan (COUNTY EXEC).**

**DIRECTOR ZIELENSKI:**

Again, as of right.

**CHAIRMAN O'LEARY:**

Is this •• I'm hoping this is a different parcel, correct?

**LEG. KENNEDY:**

Adjoining lots.

**CHAIRMAN O'LEARY:**

Adjoining lots. Okay. There is a motion to approve. Same motion, same second, place on the Consent Calendar. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1990 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0)**.

**1991, authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Afrasaib Faily (COUNTY EXEC).**

Motion to approve and place on the Consent Calendar.

**LEG. KENNEDY:**

Second.

**CHAIRMAN O'LEARY:**

Same motion, same second. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1991 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE: 5•0•0•0)**.

**1993, authorizing settlement with Long Island Visitors and Convention Bureau (CARACCILO).**

I'm advised by Counsel this does not pertain to a lawsuit. It's basically a pro forma type of thing.

**MS. KNAPP:**  
Administrative.

**CHAIRMAN O'LEARY:**  
Can this be placed on the Consent Calender?

**MS. KNAPP:**  
There are very few restrictions on what can be placed on the Consent Calendar. Usually anything that could be the subject of a litigation or if there's an environmental impact on it we don't usually •• but this one I believe it's administrative and you could put it ••

**CHAIRMAN O'LEARY:**  
Is it administrative? I mean, I want to avoid any Legislator taking objection to the fact that it's on the Consent Calender because there is a settlement involved and perhaps they would want some discussion on it. I tell you what, we will make a motion to approve by myself. Second by Legislator Montano. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? 1993 is **approved (VOTE: 5•0•0•0)**.

**1996, adopting Local Law No. 2005, a Local Law to reconstitute the Hispanic Advisory Board (MONTANO).**

The public hearing was closed today. I make a motion to approve by Legislator Montano, seconded by myself. On the question of the motion?

Hearing none, all those in favor? Opposed? Abstentions? 1996 is **approved (VOTE: 5•0•0•0).**

### ***TABLED SENSE RESOLUTIONS***

**S•37. Sense of the Legislature Resolution requesting State of New York to repeal the requirement that two years elapse from the filing of a subdivision map before the map can be abandoned (TONNA).**

Motion to table by myself, second by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? Sense 37 is **tabled (VOTE: 5•0•0•0).**

I understand we have three items for discussion in executive session. Is that true, Lynne?

**MS. BIZZARRO:**

Yes.

**CHAIRMAN O'LEARY:**

Okay. I will take a recess to go into executive session and come back and close after same.

**(\*an executive session was held from 11:30 a.m. until 11:55 a.m.\*)**

**(\*THE MEETING WAS ADJOURNED IMMEDIATELY FOLLOWING THE  
END OF EXECUTIVE SESSION • 11:55 A.M.\*)**

\\_ \\_ **DENOTES BEING SPELLED PHONETICALLY**